

## REMARKS

In the Office Action dated November 16, 2006, all claims pending in the above-captioned U.S. Patent Application were rejected. Applicant has carefully reviewed the Office Action and submits these remarks as a full and complete response.

Claims 19-20, 23-26, 28-29 and 34-37 have been rejected under 35 USC 112, first paragraph upon the allegation that a "rigid" cover is not recited *in hac ipsa verba* in the specification. Applicant notes paragraph [0019] wherein it is stated that the sensor is under a "protective cover or cap" to protect from road debris and paragraph [0032] wherein it is stated that Fig. 1 shows "a protective cover" mounted to housing 3 using a "hinge." The drawings show a rigid protective cover. Additionally, the concept of a hinge makes little sense in the absence of two rigid objects, especially when tens of thousands of uses are contemplated. Reconsideration of the rejection is respectfully solicited.

Claim 19, 20 and 23-26 have been rejected under 35 USC 103(a) over Hsu et al., U.S. Patent No. 6,100,811 in view of DeBono, U.S. Patent No. 6,927,671 and Radke, U.S. Published Application 2004/ 0155752.

As noted previously by Applicant and recognized by the Examiner, the Hsu system is integrated into the vehicle as original equipment (note the multiple functions listed at col. 2, lines 1-6) and the optional exterior sensor is unprotected.

DeBono, newly cited, is applied for a "flip cover" which the Examiner has equated to a hinged rigid protective cover. Firstly, the DeBono cover, like the associated sensor, is quasi-hidden within the interior of the vehicle. There is no suggestion of a protective function, only a secreting function (col. 5, line 15). The only discussion of the structure of the cover appears at col. 9, line 18, where it is described as "a rotatable cover lid 31" with reference to Fig. 2. This is not and cannot be equated with a rigid protective cover suitable for protection from sand, gravel and road salt as is Applicant's cover. An exterior rigid protective cover differs from an interior

cover as an external door on a house, and differs from an interior passageway door. Form follows function and in this instance, the function is different.

With respect to claim 20, Applicant reiterates that the indented area behind a door handle in Hsu is not a protective housing within the meaning of Applicant's claims and disclosure. Neither is the vehicle a protective housing because the vehicle cannot be exterior to itself.

Claim 17 has been rejected under 35 USC 103(a) over the aforementioned references in further view of Foster, U.S. Patent No. 5,668,929. (Claim 17, as amended, is directed to an emergency or backup battery which has sufficient charge capacity to change the main battery to a minimum voltage required for the main battery to crank the engine (i.e., greater than 7.5 v under load). The claim is not directed to the backup battery having sufficient charge capacity to operate the door latching mechanism. The backup battery does not have the amperage to crank the engine but has sufficient charge that, when transferred to a battery with larger plates, is sufficient to provide the amps needed to crank the motor (i.e. can be discharged at a sufficient rate). None of the references teach such a system. Mere access to the vehicle does not start a vehicle with a dead primary battery although it may be the best way to reach the dead battery.

Claims 28 and 29, directed to the use of a shuttle card as a surrogate for a fingerprint, have been rejected over Hsu, DeBono and Radke in further view of Cubic Corp., WO 02/091311. The difference between Applicant's system and the Cubic Corp. references is that the reference card must be present together with the finger for each access. Applicant uses the shuttle card to load or "enroll" a new fingerprint, not as an access card.

Claim 30 has been rejected under 35 USC 103 (a) over Radke, U.S. 2004/ 0155752 in view of Shohara, U.S. Patent No. 6,473,607. Claim 30 as amended, requires the selection of a function to activate the sleeping sensor, Radke provides no such functionality since the reference teaches no method for selection of a function.

Claims 34 and 36-38 have been rejected under 35 USC 103(a) over Hsu, DeBono and Radke in further view of Bonder, U.S. Patent No. 6,078,265. The claims are directed to a system in which the password protection is specific to the vehicle, not to a person or enroller. As noted previously, the Bonder system relies on a key. A lost or damaged key defeats the access system. No such circumstances occur with Applicant's system because the key is not needed. The key is a type of shuttle card with the reader in the key, not on the wall. Bonder teaches away from Applicant's invention because the user must read and finger for each access. A replacement key according to Bonder would be even more expensive than the current smart keys with embedded chip which typically cost hundreds of dollars to replace. Use of Applicant's system requires only that the user bring along his finger.

Claim 35 has been rejected over the unwieldy combination of Hsu, DeBono, Radke, Bonder and newly-cited Dutu, U.S. Patent No. 6,727,800. The Dutu reference is analogous to the Cubic Corp. reference because it teaches not a shuttle card but an access card. Note Col. 4., lines 46 ff. The Dutu card is required to reactivate the electronic lockout each and every time the shift controller is put in the "park" position. This could be four or five times during a daily commute taking children to school! Applicant's shuttle card enrolls a fingerprint into the system and serves in lieu of an enroller which is the standard method for enrollment. The shuttle card is intended for use in fleets such as police vehicles, utility service trucks and the like where multiple users must be enrolled in a plurality of vehicles. Once a shuttle card is used, it can be discarded as the enrollment is permanent for that vehicle until specifically expunged.

In summation, Applicant's system is unique, safe, easy to use and easy to install as an aftermarket accessory. It may be removed cleanly when the vehicle is sold and installed on a different vehicle. The Hsu-type systems are not so-designed but become a fixture on the vehicle and would pass with the sale or repossession of the vehicle.

It is noted that the Office has cited different references for almost every aspect of the invention. This is impermissible picking and choosing as opposed to a clear teaching of the invention. This is not obviousness.

Applicant submits that this application is in condition for allowance and requests reconsideration and favorable action thereon.

Respectfully submitted,



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